



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

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April 21, 2004

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Agenda No. 9
10/28/03

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012


**Re: CONDITIONAL USE PERMIT NUMBER 02-131-(4)
FOURTH SUPERVISORIAL DISTRICT/THREE-VOTE MATTER**

Dear Supervisors:

Your Board previously conducted a hearing regarding the above-referenced permit which would authorize an adult day care facility in an existing Salvation Army multi-purpose facility in the La Rambla Zoned District. At the conclusion of the hearing, you indicated an intent to approve the permit and instructed us to prepare the appropriate findings and conditions for approval. Enclosed are proposed findings and conditions for your consideration.

Very truly yours,

OFFICE OF THE COUNTY COUNSEL

By 
JUDITH A. FRIES
Principal Deputy County Counsel
Public Works Division

APPROVED AND RELEASED:


RAYMOND G. FORTNER, JR.
Chief Deputy County Counsel

JAF:md
Enclosures

**FINDINGS OF THE BOARD OF SUPERVISORS
AND ORDER
CONDITIONAL USE PERMIT NO. 02-131-(4)**

1. The applicant is requesting a conditional use permit to establish an adult day care facility within an existing Salvation Army multi-purpose facility. The site is a 20,000-square foot parcel located at 138 S. Bandini Street, San Pedro, in the La Rambla Zoned District.
2. Zoning on the site is C-2 (Neighborhood Business). Pursuant to Section 22.28.160 of the Los Angeles County Code, property in Zone C-2 may be used for an adult day care facility, provided a conditional use permit is first obtained.
3. The surrounding properties are zoned as follows:

North: C-2
South: C-2, R-3 (Limited Multiple Residence)
East: R-2 (Two-Family Residence), R-3
West: C-2, R-2
4. The subject property is currently developed with a Salvation Army multi-purpose facility, which is used for church services, social services, and administrative offices.
5. Establishment of the Salvation Army facility was authorized in 1999 by Plot Plan Review Case No. 12968.
6. Surrounding land uses consist of the following uses:

North: Auto repair, supermarket
South, east and west: Single-family and multi-family residences
7. The subject property is depicted within the Major Commercial land use classification on the land use policy map in the Countywide General Plan. This classification allows regional office complexes, major shopping centers, and central business districts, as well as a range of mixed commercial, retail, and service activities. The existing facility and the proposed adult day care facility are consistent with this land use designation and the goals and policies of the general plan.
8. The site plan submitted by the applicant and labeled Exhibit "A" depicts the existing two-story, 14,163-square foot (7,099 square feet on the first floor and 7,064 square feet on the second floor) Salvation Army building on the western side of the property with 21 parking spaces and driveway access to the east. Eighteen parking spaces, an elevator, a stairwell, and a

mechanical room are all shown underground. Floor plans were also submitted depicting the proposed senior day care room, offices, kitchen, and restrooms on the first floor and a chapel, classrooms, nursery, and multi-purpose room on the second floor.

9. The proposed facility will provide non-medical care and supervision to adults on a less than 24-hour-per-day basis, as defined and licensed by the State of California. The facility is currently operating within the City of Los Angeles and will be relocated to the subject property.
10. The proposed use complies with all applicable development standards of the C-2 zone, as provided in Section 22.28.170 of the Los Angeles County Code, as follows:
 - a. No more than 90 percent of the net area of the site may be occupied by buildings, and a minimum of 10 percent of the net area must be landscaped with a lawn, shrubbery, flowers, and/or trees, which shall be continuously maintained in good condition. The existing structure covers 7,099 square feet, or 35 percent, of the 20,000 square foot property, and landscaping covers 2,021 square feet, or 10 percent, of the property. In addition, Section 22.52.1060.E of the Los Angeles County Code requires landscaping of at least 2 percent of the gross area of the parking lot, distributed throughout the parking lot so as to maximize the aesthetic effect and compatibility with adjoining uses. The site plan depicts landscaped areas in excess of the 2 percent requirement surrounding the parking lot.
 - b. Parking facilities shall be provided as required by Part 11 of Chapter 22.52 of the Los Angeles County Code. Section 22.52.1095 of Part 11 requires parking for churches at a ratio of one space for every five persons based on the occupant load of the largest assembly area as determined by the Director of Public Works. The occupant load of the sanctuary was determined to be 211 persons; therefore, the parking requirement for the church is 42 spaces. The applicant submitted a list of all activities that operate in the facility. The required parking for the simultaneously-occurring weekday uses does not exceed the required parking for the church. The Board finds that there will be no conflicts arising from shared use of the parking spaces because the uses sharing the spaces operate at different times of the day or days of the week, and no excessive off-site parking will result.
 - c. The building does not exceed the 35-foot height limit; and

- d. Outside storage and display are not proposed and shall not be permitted on the property.
- 11. The applicant has not provided any sign plans or sign elevations. As a condition of approval of this grant, the applicant will be required to submit sign plans and elevations in compliance with Section 22.52.870 of the Los Angeles County Code.
- 12. Zoning Enforcement Case No. 011667 was opened in 2001 in response to community complaints. The applicant responded to all of the enforcement issues raised by staff and no formal citation was issued.
- 13. An Initial Study was prepared for this project and circulated for public review in compliance with the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines, and the County's environmental document reporting procedures and guidelines. The Initial Study showed that there is no substantial evidence that the project may have a significant effect on the environment. Based on the Initial Study, a Negative Declaration has been prepared for this project. The Board finds that the project is *de minimus* in its effect on fish and wildlife resources. Therefore, the project is exempt from California Department of Fish and Game fees pursuant to Section 711.4 of the California Fish and Game Code.
- 14. The Regional Planning Commission received 322 comments from members of the public in relation to this request. Of this total, 215 were in support of the adult day care facility, and 107 expressed concerns related to the operation of the Salvation Army facility as a whole. In response to community concerns, the Commission imposed several conditions to properly integrate the proposed adult day care into the community.
- 15. Testimony in support of and in opposition to the project was presented at a public hearing before the Regional Planning Commission on May 14, 2003. After considering the evidence presented, the Regional Planning Commission approved the requested conditional use permit.
- 16. An appeal of the permit approval by the Regional Planning Commission was filed. A public hearing regarding the proposed conditional use permit was held before the Board of Supervisors on October 28, 2003. The Board received testimony and written evidence regarding the proposed project. Among other things, concerns regarding noise, disturbance of the surrounding neighborhood, incompatibility of the proposed adult day care use with nearby residences, and excessive off-site parking demands were voiced. The Board has considered these concerns. The conditions of the approval for the permit provide for limitations of concurrent uses at the facility so as to avoid off-site parking demands. A maximum of 30 clients may be present at the adult day care facility at any one time. The hours of

operation of the adult care facility are limited to essentially daylight hours and may only occur on weekdays. Noise and outdoor lighting must be limited to avoid off-site impacts. The operator must notify the La Rambla Neighborhood Advisory Committee at least 30 days prior to any special event at the facility.

17. The project is needed to continue the provision of adult day care services in the San Pedro area.
18. Compliance with the conditions of approval of this grant will ensure the project's compatibility with surrounding land uses.

**BASED ON THE FOREGOING, THE BOARD OF SUPERVISORS
CONCLUDES:**

- A. That the proposed use will be consistent with the adopted general plan for the area;
- B. That the requested use at the proposed location will not adversely affect the health, peace, comfort, or welfare of persons residing or working in the surrounding area, will not be materially detrimental to the use, enjoyment, or valuation of property of other persons located in the vicinity of the site, and will not jeopardize, endanger, or otherwise constitute a menace to the public health, safety, or general welfare;
- C. That the proposed site is adequate in size and shape to accommodate the development features prescribed in Title 22 of the Los Angeles County Code, or as is otherwise required in order to integrate said use with the uses in the surrounding area; and
- D. That the proposed site is adequately served by highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and by other public or private service facilities as are required.

THEREFORE, THE BOARD OF SUPERVISORS:

1. After consideration of the Negative Declaration together with any comments received during the public review process, finds on the basis of the whole record before the Board that there is no substantial evidence that the project will have a significant effect on the environment, finds that the Negative Declaration reflects the independent judgment and analysis of the Board, and adopts the Negative Declaration; and
2. Approves Conditional Use Permit Case No. 02-131-(4), subject to the attached conditions.

CONDITIONS FOR APPROVAL
CONDITIONAL USE PERMIT NO. 02-131-(4)

1. This grant authorizes the use of the subject property for the establishment, operation, and maintenance of an adult day care facility in an existing Salvation Army multi-purpose facility, as depicted on the approved Exhibit "A," subject to all of the following conditions of approval.
2. Unless otherwise apparent from the context, the term "permittee" shall include the applicant and any other person, corporation, or other entity making use of this grant.
3. This grant shall not be effective for any purpose until the permittee, and the owner of the subject property if other than the permittee, have filed at the office of the Department of Regional Planning ("Department") an affidavit stating that they are aware of, and agree to accept, all of the conditions of this grant and that the conditions of the grant have been recorded as required by Condition No. 8, and until all required monies have been paid pursuant to Condition Nos. 10 and 17.
4. The permittee shall defend, indemnify, and hold harmless the County, its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul this permit approval, which action is brought within the applicable time period of Government Code section 65009 or any other applicable limitation period. The County shall notify the permittee of any such claim, action, or proceeding, and the County shall reasonably cooperate in the defense.
5. In the event that any claim, action, or proceeding as described above is filed against the County, the permittee shall, within ten days of the filing, pay the Department an initial deposit of \$5,000, from which actual costs shall be billed and deducted for the purpose of defraying the expenses involved in the department's cooperation in the defense, including but not limited to, depositions, testimony, and other assistance to permittee or permittee's counsel. The permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
 - a. If during the litigation process, actual costs incurred reach 80 percent of the amount on deposit, the permittee shall deposit additional funds sufficient to bring the balance up to the amount of the initial deposit. There is no limit to the number of supplemental deposits that may be required prior to completion of the litigation; and

- b. At the sole discretion of the permittee, the amount of an initial or supplemental deposit may exceed the minimum amounts defined herein.

The cost for collection and duplication of records and other related documents will be paid by the permittee in accordance with Section 2.170.010 of the Los Angeles County Code.

- 6. This grant shall expire unless used within two years from the date of approval. A one-year time extension may be requested in writing, with payment of the applicable fee, before the expiration date.
- 7. If any material provision of this grant is held or declared to be invalid, the permit shall be void, and the privileges granted hereunder shall lapse.
- 8. Prior to the use of this grant, the terms and conditions of the grant shall be recorded in the office of the County Recorder. In addition, upon any transfer or lease of the property during the term of this grant, the permittee shall promptly provide a copy of the grant and its conditions to the transferee or lessee, as applicable, of the subject property.
- 9. This grant shall terminate on April 30, 2024. Entitlement to the use of the property thereafter shall be subject to the regulations then in effect. If the permittee intends to continue operations after such date, a new conditional use permit application shall be filed with the Department at least six months prior to the termination date of this grant, whether or not any modification of the use is requested at that time.
- 10. The subject property shall be developed, maintained, and operated in full compliance with the conditions of this grant and any law, statute, ordinance, or other regulation applicable to any development or activity on the subject property. Failure of the permittee to cease any development or activity not in such full compliance shall be a violation of these conditions. Prior to the use of this grant, the permittee shall deposit with the County of Los Angeles the sum of \$3,150.00. These monies shall be placed in a performance fund which shall be used exclusively to compensate the Department for all expenses incurred while inspecting the premises to determine the permittee's compliance with the conditions of approval, including adherence to development in accordance with the approved site plan on file. The fund provides for one inspection between 30 and 60 days after issuance of this grant and 20 annual inspections thereafter. Inspections shall be unannounced. Subsequent to each annual inspection, the Planning Director shall review the conditions of the permit and the operation of the facility, and shall prepare and submit a written report to the Regional Planning Commission and the Board of Supervisors.

If additional inspections are required to ensure compliance with the conditions of this grant, or if any inspection discloses that the subject property is being used in violation of any condition of this grant, the permittee shall be financially responsible for and shall reimburse the Department for all additional inspections and for any enforcement efforts necessary to bring the subject property into compliance. The amount charged for additional inspections shall be the amount equal to the recovery cost at the time of payment (currently \$150.00 per inspection).

11. Notice is hereby given that any person violating a provision of this grant is guilty of a misdemeanor. Notice is further given that the Regional Planning Commission or a hearing officer may, after conducting a public hearing, revoke or modify this grant, if the Commission or hearing officer finds that these conditions have been violated or that this grant has been exercised so as to be detrimental to the public's health or safety or so as to be a nuisance.
12. All requirements of Title 22 of the Los Angeles County Code (Zoning Ordinance) and of the specific zoning of the subject property must be complied with unless specifically modified by this grant, as set forth in these conditions or shown on the approved plans.
13. Upon approval of this grant, the permittee shall contact the Fire Prevention Bureau of the Los Angeles County Forester and Fire Warden to determine what facilities may be necessary to protect the property from fire hazard. Any necessary facilities shall be provided to the satisfaction of and within the time periods established by said bureau.
14. All structures shall comply with the requirements of the Division of Building and Safety of the Los Angeles County Department of Public Works.
15. All structures, walls, and fences open to public view shall remain free of extraneous markings, drawings, or signage. These shall include any of the above that do not directly relate to the business being operated on the premises or provide pertinent information about the premises. The only exceptions shall be seasonal decorations or signage provided under the auspices of a civic or non-profit organization.
16. In the event that any such extraneous markings occur, the permittee shall remove or cover said markings, drawings, or signage within 24 hours of such occurrence, weather permitting. Paint utilized in covering such markings shall be of a color that matches, as closely as possible, the color of the adjacent surfaces.

17. Within five (5) days of the approval date of this grant, the permittee shall remit a \$25.00 processing fee payable to the County of Los Angeles in connection with the filing and posting of a Notice of Determination in compliance with section 21152 of the California Public Resources Code.
18. Within 60 days of the approval date of this grant, the permittee shall submit to the Planning Director for review and approval three copies of revised plans, similar to the Exhibit "A" submitted at the public hearing, that depict all required project changes, including provision of the total number of required parking spaces, and the size, type, and location of all plants, trees, and watering systems on the subject property. The subject property shall be developed and maintained in substantial compliance with the approved Exhibit "A." In the event that subsequent revised plans are submitted, the permittee shall submit three copies of the proposed plans to the Planning Director for review and approval. All revised plans shall be accompanied by the written authorization of the property owner.
19. Within 60 days of the approval date of this grant, the permittee shall submit to the Planning Director for review and approval three copies of signage plans depicting the size and height of all existing and proposed signage, developed in compliance with Part 10 of Chapter 22.52 of the Los Angeles County Code. Any existing signage that does not so comply shall be removed immediately upon notification by the Planning Director. As provided in Section 22.52.990 of the Los Angeles County Code, all banners, signage, flags, or other similar attention-getting devices are prohibited except as authorized by a Temporary Use Permit.
20. A minimum of 42 onsite parking spaces and a passenger loading area, developed in compliance with Part 11 of Chapter 22.52 of the Los Angeles County Code, shall be provided as shown on the approved Exhibit "A." The required parking spaces shall be continuously available for vehicular parking only and shall not be used for storage, vehicle repair, or any other unauthorized use.
21. A maximum of 30 clients shall be present at the adult day care facility at one time. Any increase in this maximum number of clients shall require the prior approval of a new conditional use permit.
22. A minimum of 10 percent of the subject property, including a minimum of 2 percent of the parking lot, shall contain landscaping consisting of grass, shrubs, trees, and other similar plant materials, as shown on the approved Exhibit "A." The permittee shall maintain all landscaping in a neat, clean, and healthful condition, including proper pruning, weeding, litter removal, fertilizing, and replacement of plants when necessary.

23. The permittee shall maintain the subject property in a neat and orderly fashion and free of litter. Yard areas that are visible from the street shall be free of debris, trash, lumber, overgrown or dead vegetation, broken or discarded furniture, and household equipment such as refrigerators, stoves, and freezers.
24. The permittee shall comply with all staffing rules, regulations, and facility requirements established and regulated by the State of California. Any required state license shall be posted in a prominent publicly accessible location within the facility, and a copy of the license shall be provided to the Department for filing purposes.
25. The permittee shall comply with all recommended conditions of the Los Angeles County Department of Public Works set forth in the attached letter dated July 23, 2002, except as otherwise required by said department.
26. Outdoor lighting shall be designed to direct light only onto the subject premises and shall be deflected, shaded, and focused away from all adjoining properties. Motion detectors shall be used for outdoor security lighting. Any existing lighting that is not in compliance with this condition shall be brought into compliance within 30 days of the approval date of this grant.
27. The hours of operation of the adult day care facility shall be between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday only.
28. The permittee shall notify the La Rambla Neighborhood Advisory Committee at least 30 days prior to any special event to allow the committee to evaluate the operation of each special event. The committee may comment in writing, and the permittee shall respond in writing to any comments from the committee. The permittee shall make every effort to appropriately address the concerns of the committee with respect to special events. Any event listed in Section 22.56.1835 of the Los Angeles County Code shall require the prior approval of a Temporary Use Permit, except that sidewalk sales are prohibited.
29. The facility shall not provide temporary or transient housing.
30. The use of gasoline lawn mowers, leaf blowers, or similar devices is prohibited before 9:00 a.m. and after dusk on Saturdays and Sundays, and before 8:00 a.m. and after dusk on other days.
31. The use of chimes, outdoor public address systems, or similar acoustical devices is prohibited. Any alarm system installed shall not be audible outside the facility. Any existing alarm system that is not in compliance

with this condition shall be brought into compliance within 30 days of the approval date of this grant.

32. Outdoor trash containers shall be covered and screened from view by persons on public streets and adjacent properties.
33. All rooftop equipment shall be screened from public view. Any existing equipment that is not in compliance with this condition shall be brought into compliance within 30 days of the approval date of this grant.
34. Within 30 days of the approval date of this grant, the permittee shall send mailed notice to all residents within 500 feet of the property, and to all individuals who testified at the May 14, 2003, Regional Planning Commission public hearing, informing them of the opportunity for community members to join the advisory board of the subject facility.
35. Outside storage is prohibited on the property.
36. The permittee shall maintain a current contact name, address, and phone number on file with the Department at all times.
37. Church services and other authorized uses of the subject property shall not take place concurrently in such a manner as to create a parking demand that exceeds the available on-site parking.

Attachment:

Los Angeles County Department of Public Works letter dated July 23, 2002



JAMES A. NOYES, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

900 SOUTH FREMONT AVENUE
ALHAMBRA, CALIFORNIA 91803-1331
Telephone: (626) 458-5100
www.ladpw.org

ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

July 23, 2002

IN REPLY PLEASE
REFER TO FILE: **LD-4**

TO: Frank Meneses
Zoning Permits Section
Department of Regional Planning

FROM: Barry S. Wittler
Transportation Planning Section
Land Development Division

A handwritten signature in cursive script, reading "Barry S. Wittler", is written over the typed name and title.

CONDITIONAL USE PERMIT NO. 02-131

We have reviewed the subject case in the San Pedro area in the vicinity of South Bandini Street (138 South Bandini Street) and 2nd Street. This case is for the operation of a senior day care facility in an existing Salvation Army facility.

If this permit is approved, we recommend the following conditions:

1. Dedicate, if not previously dedicated, standard property line return radius of 13 feet at the intersection of 2nd Street and South Bandini Street.
2. Comply with the following street lighting requirements to the satisfaction of Public Works:
 - a. Provide street lights on concrete poles with underground wiring on 2nd Street and South Bandini Street. Street lighting plans must be approved by the Street Lighting Section.
 - b. The proposed development, or portions thereof, are not within an existing Lighting District. Annexation and assessment balloting are required. Upon Conditional Use Permit approval, the applicant shall enter into a secured agreement with the County of Los Angeles for the installation of the street lights in the amount of \$18,000 and comply with the conditions listed below in order for the Lighting Districts to pay for future operation and maintenance of street lights. The Board of Supervisors must approve the annexation and/or levy of assessment (should assessment balloting favor levy of assessment) prior to Public Works approving street lighting plans. The street lights shall be installed per approved plans prior to issuance of a Certificate of Occupancy.

Frank Meneses
July 23, 2002
Page 2

- (1) Request the Street Lighting Section to commence annexation and levy of assessment proceedings.
 - (2) Provide business/property owner's name(s), mailing address(es), site address, Assessor Parcel Number(s), and Parcel Boundaries in either Microstation or Auto CADD format of territory to be developed to the Street Lighting Section.
 - (3) Submit a map of the proposed development including any roadways conditioned for street lights that are outside the proposed development area to Street Lighting Section. Contact the Street Lighting Section for map requirements, and for any questions at (626) 300-4726.
- c. For acceptance of street light transfer billing, all street lights in the development, or the current phase of the development, must be constructed according to Public Works approved plans and energized for at least one year as of July 1 of the current year.
 - d. Note that the annexation and/or assessment balloting process takes approximately five to six months to complete once the above information is received and approved. Therefore, untimely compliance with the above will result in a delay in receiving approval of the street lighting plans.
3. Comply with other road conditions as required for Building Plan Check No. BL991227004 to the satisfaction of Public Works.

SMC:ca
msw\02-131

cc: Traffic and Lighting (Abdelhadi)
Subdivision Management (Cruz)